

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

\*

v.

\*

CRIMINAL NO. RDB-17-0132

TAVON HAWKINS

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\* \* \* \* \*

**MEMORANDUM**

On Monday, December 4, 2017, the Court conducted Voir Dire and the selection of a jury in this case. After the jury was empanelled, court appointed defense counsel noted increased problems with his interaction with the Defendant, who earlier in the day requested a postponement of the trial and appointment of new counsel. The matter was referred to Magistrate Judge A. David Copperthite for a second Attorney Inquiry Hearing,<sup>1</sup> which was held at the end of the day on Monday, December 4, 2017 under seal before Magistrate Judge Copperthite. The Defendant persisted in his request to obtain new counsel and postpone the trial in this case. Furthermore, there were indications of hostile remarks by the Defendant directed at his court-appointed counsel which could be interpreted as threatening to counsel and disruptive of the trial proceedings.

On Tuesday morning December 5, 2017, the Defendant moved for a mistrial and a new trial date. The Court GRANTED that motion and noted that there would be a retrial of the case. *United States v. Borromeo*, 954 F.2d 245, 247 (4<sup>th</sup> Cir. 1992). The Defendant acknowledged that he waived any challenge to a retrial. *Gilliam v. Foster*, 75 F.3d 881 (4<sup>th</sup> Cir. 1996). Alternatively, the Court noted that, apart from the Defendant's own motion, a mistrial would have been declared and was warranted in light of some misconduct of the Defendant directed at

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<sup>1</sup> Judge A. David Copperthite conducted a previous Attorney Inquiry Hearing on November 21, 2017, but recommended against new counsel (ECF#112).

his court-appointed counsel, as documented at the Attorney Inquiry Hearing before Magistrate Judge Copperthite. *United States v. Mannie*, 509 F.3d 851 (7<sup>th</sup> Cir. 2007). Furthermore, the undersigned Judge noted that his awareness of the Defendant's misconduct necessitated, in the abundance of caution, that this case be reassigned to another Judge of this Court. This case has now been reassigned to Judge George L. Russell, III.

December 6, 2017

/s/  
Richard D. Bennett  
United States District Judge